



Reprinted  
March 1, 2005

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## HOUSE BILL No. 1173

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DIGEST OF HB 1173 (Updated February 28, 2005 10:14 pm - DI 14)

**Citations Affected:** IC 32-27.

**Synopsis:** New home construction warranties. Provides that the warranty date for a new home begins on the date of first occupancy of the new home by the builder, a renter, a person living in the home at the request of the builder, or the initial home buyer. Provides that when a home is sold by the builder, a renter, or a person living in the home at the request of the builder the warranty must include the warranty date and the amount of time remaining under the warranty.

**Effective:** July 1, 2005.

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**Bottorff, Wolkins**

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January 6, 2005, read first time and referred to Committee on Judiciary.  
February 21, 2005, reported — Do Pass.  
February 28, 2005, read second time, amended, ordered engrossed.

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HB 1173—LS 7174/DI 14+



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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1173

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A BILL FOR AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 32-27-2-7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. As used in this  
3 chapter, "warranty date" means the date of the first occupancy of the  
4 new home as a residence by ~~the initial home buyer.~~ **one (1) of the**  
5 **following:**

6 **(1) The builder.**

7 **(2) An individual or individuals renting the home from the**  
8 **builder.**

9 **(3) An individual or individuals living in the home at the**  
10 **request of the builder.**

11 **(4) The initial home buyer.**

12 SECTION 2. IC 32-27-2-8 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) In selling a  
14 completed new home, and in contracting to sell a new home to be  
15 completed, the builder may warrant to the initial home buyer the  
16 following:

17 **(1) During the two (2) year period beginning on the warranty date,**

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the new home will be free from defects caused by faulty workmanship or defective materials.

(2) During the two (2) year period beginning on the warranty date, the new home will be free from defects caused by faulty installation of:

- (A) plumbing;
- (B) electrical;
- (C) heating;
- (D) cooling; or
- (E) ventilating;

systems, exclusive of fixtures, appliances, or items of equipment.

(3) During the four (4) year period beginning on the warranty date, the new home will be free from defects caused by faulty workmanship or defective materials in the roof or roof systems of the new home.

(4) During the ten (10) year period beginning on the warranty date, the new home will be free from major structural defects.

(b) The warranties provided in this section (or IC 34-4-20.5-8 or IC 32-15-7 before their repeal) survive the passing of legal or equitable title in the new home to a home buyer.

**(c) An individual identified in section 7(1), 7(2), or 7(3) of this chapter who is selling a new home shall notify the purchaser of the home in writing on or before the date of closing or transfer of the new home of:**

- (1) the warranty date (as defined in IC 32-27-2-7); and**
- (2) the amount of time remaining under the warranty.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

FOLEY, Chair

Committee Vote: yeas 10, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1173 be amended to read as follows:

Page 1, after line 11, begin a new paragraph and insert:

"SECTION 2. IC 32-27-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) In selling a completed new home, and in contracting to sell a new home to be completed, the builder may warrant to the initial home buyer the following:

(1) During the two (2) year period beginning on the warranty date, the new home will be free from defects caused by faulty workmanship or defective materials.

(2) During the two (2) year period beginning on the warranty date, the new home will be free from defects caused by faulty installation of:

- (A) plumbing;
- (B) electrical;
- (C) heating;
- (D) cooling; or
- (E) ventilating;

systems, exclusive of fixtures, appliances, or items of equipment.

(3) During the four (4) year period beginning on the warranty date, the new home will be free from defects caused by faulty workmanship or defective materials in the roof or roof systems of the new home.

(4) During the ten (10) year period beginning on the warranty date, the new home will be free from major structural defects.

(b) The warranties provided in this section (or IC 34-4-20.5-8 or IC 32-15-7 before their repeal) survive the passing of legal or equitable title in the new home to a home buyer.

**(c) An individual identified in section 7(1), 7(2), or 7(3) of this chapter who is selling a new home shall notify the purchaser of the home in writing on or before the date of closing or transfer of the new home of:**

- (1) the warranty date (as defined in IC 32-27-2-7); and**
- (2) the amount of time remaining under the warranty."**

(Reference is to HB 1173 as printed February 22, 2005.)

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